

REMARKS

Status of the Claims

Claims 1-2, 4-6, 8 and 16 are pending, and claim 1 is independent. Claims 1 and 8 are currently amended, and claim 3 is canceled at this time. Specifically, amended claim 1 is supported by at least page 11, lines 1-18 and page 21, line 16 ~ page 22, line 3 of the present specification, as well as prior claim 3 (which is herein canceled to prevent a redundancy with amended claim 1). Also, amended claim 8 is supported by at least page 42, lines 10-16 of the present specification. Thus, new matter is not incorporated to the present application by way of this amendment.

Accordingly, entry of the instant amendment and favorable action on the merits is earnestly solicited at present.

Claim Rejection – 35 U.S.C. §103(a)

Claims 1-6, 8 and 16 stand rejected under 35 U.S.C. § 103(a) as being obvious over **Atkinson** (U.S. Patent No. 4,900,466). Applicants respectfully traverse this rejection.

While not conceding to the Examiner's rejection, but to merely advance prosecution, claims 1 and 8 are amended to further emphasize the distinctions between the present invention and **Atkinson**. By way of the present submission, the claimed invention is not made obvious over the cited art. Specifically, in order to address this rejection, at least the following reasons are discussed:

1.) Legal Standard for Determining Prima Facie Obviousness

MPEP § 2141 sets forth the guidelines in determining obviousness. First, the Examiner has to take into account the factual inquiries set forth in *Graham v. John Deere*, 383 U.S. 1, 17, 148 USPQ 459, 467 (1966), which has provided the controlling framework for an obviousness analysis. The four *Graham* factors are:

- (a) determining the scope and content of the prior art;
- (b) ascertaining the differences between the prior art and the claims in issue;
- (c) resolving the level of ordinary skill in the pertinent art; and
- (d) evaluating any evidence of secondary considerations.

Graham v. John Deere, 383 U.S. 1, 17, 148 USPQ 459, 467 (1966).

Second, the Examiner has to provide some rationale for determining obviousness. MPEP § 2143 sets forth some rationales that were established in the recent decision of *KSR International Co. v Teleflex Inc.*, 82 USPQ2d 1385 (U.S. 2007). Exemplary rationales that may support a conclusion of obviousness include:

- (a) combining prior art elements according to known methods to yield predictable results;
- (b) simple substitution of one known element for another to obtain predictable results;
- (c) use of known technique to improve similar devices (methods, or products) in the same way;
- (d) applying a known technique to a known device (method, or product) ready for improvement to yield predictable results;
- (e) “obvious to try” – choosing from a finite number of identified, predictable solutions, with a reasonable expectation of success

- (f) known work in one field of endeavor may prompt variations of it for use in either the same field or a different one based on design incentives or other market forces if the variations are predictable to one of ordinary skill in the art;
- (g) some teaching, suggestion, or motivation in the prior art that would have led one of ordinary skill to modify the prior art reference or to combine prior art reference teachings to arrive at the claimed invention.

As the MPEP directs, all claim limitations must be considered in view of the cited prior art in order to establish a *prima facie* case of obviousness. *See* MPEP § 2143.03.

2.) Distinctions over Atkinson

The present invention includes a combination of elements and is directed to a composite detergent particles prepared by dry-blending in a weight ratio of detergent additive particles (a)/detergent particles (b) of 20/80 to 35/65. Specifically, the present invention of claim 1 comprises various features, among others, that the detergent additive particles (a) contain no surfactant or less than 1% by weight of surfactant and comprise a particle capable of releasing a bubble of a size of 1/10 or more of the particle size from an inner portion of the particle.

However, **Atkinson** fails to disclose or suggest the claimed limitation that the detergent additive particles (a) contain no surfactant or less than 1% by weight of surfactant.

At page 3 of the outstanding Office Action of May 23, 2008, the USPTO states “*Please note that the anionic and/or anionic detergent active compounds are only optional, hence would read on the present claims’ “...wherein the detergent additive particles contain substantially no surfactant.”*”

However, **Atkinson** at column 9, lines 51-62 describes that “An adjunct will be prepared by spraying liquid or liquefied nonionic surfactant onto a spray-dried carrier material...” Also, Tables found in columns 8-9 of **Atkinson** demonstrate use of surfactants in an amount of 5-40

weight %. Further, Example 11 of **Atkinson** employs 1.5 wt% surfactants. This is in contrast to the claimed limitation that the detergent additive particles (a) contain no surfactant or less than 1% by weight of surfactant.

Also, **Atkinson** remains silent about the claimed limitation that the detergent additive particles (a) comprise a particle capable of releasing a bubble of a size of 1/10 or more of the particle size from an inner portion of the particle. In the present invention, a fast dissolubility of detergent additive particles is material to increase a high dissolution rate of granule detergent composition. See, for example, page 6, line 14 ~ page 11, line 23 of the present specification. To exhibit the fast dissolubility, the detergent additive particles (a) must be constructed with a detergent additive particle capable of releasing a bubble of 1/10 or more of the particle size from an inner portion of the particle, when dissolving the particle in water. However, **Atkinson** fails to disclose or suggest this claimed limitation.

As discussed above, Applicants respectfully submit that **Atkinson** does not disclose or suggest a detergent additive particles (a) that contain no surfactant or less than 1% by weight of surfactant and comprise a particle capable of releasing a bubble of a size of 1/10 or more of the particle size from an inner portion of the particle.

Accordingly, all of the claimed limitations are not included in the prior art, and a *prima facie* case of obviousness is not established, since **Atkinson** fails to provide any reason or rationale to those of ordinary skill in the art that would allow them to arrive at the instant invention as claimed. Applicants respectfully submit that this rejection must therefore be withdrawn. Therefore, it is respectfully submitted that independent claim 1 and each of the claims

depending therefrom are allowable. An early reconsideration and Notice of Allowance are respectfully requested.

Conclusion

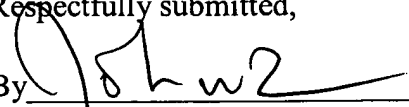
In view of the above amendment, applicant believes the pending application is in condition for allowance. As such, the USPTO is respectfully requested to issue a Notice of Allowance in the matter of the instant application, clearly indicating that each of instantly pending claims 1-2, 4-6, 8 and 16 is allowed and patentable under the provisions of Title 35 of the United States Code.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact John W. Bailey, Reg. No. 32,881 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.17; particularly, extension of time fees.

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Respectfully submitted,

By 

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